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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – DIVISION 4

In Re:

JAMIE CARMEL TROUT,

Debtor.

Case No.: 14-43319-WJL

Chapter 13

**DEBTOR'S MOTION TO VOID LIEN
IMPAIRING EXEMPTION PURSUANT TO
11 U.S.C. §522(f)**

Judge: Hon. William J. Lafferty

DEBTOR'S MOTION TO VOID LIEN IMPAIRING EXEMPTION

Debtor hereby moves this court for an Order voiding the lien of David McIntosh (hereinafter "McIntosh") on the grounds it impairs an exemption to which the debtor is entitled.

1. At the commencement of the case, debtor Jamie Carmel Trout (hereinafter "Debtor") owned the real property commonly known as 1591 Cherry Blossom Court, Brentwood, California 94513; APN: 019-880-007-0 (hereinafter "Property") and more fully described in **Exhibit A** attached to the Declaration of Jamie Carmel Trout filed concurrently herewith.

2. McIntosh has a judgment lien in the principal amount of \$16,194.84 which was perfected by the recordation of a judgment lien in the County of Contra Costa, State of

California where the Property is located. Said recordation was filed on September 16, 2013, as document number DOC-2013-0225291-00 (hereinafter "Lien").

3. The property has a fair market value of \$525,000.00 as of the commencement of the instant action.

4. The Debtor claimed an exemption in the amount of \$100,000.00 in the Property under California Code of Civil Procedure §704.730.

5. The Property was subject at the commencement of the case to liens as follows:

| | |
|-----------------------------------|---------------------|
| a. Value of Property: | \$525,000.00 |
| b. CMG Mortgage: | <u>\$431,548.00</u> |
| | \$ 93,452.00 |
| c. David McIntosh (subject lien): | <u>\$ 16,194.84</u> |
| | \$ 77,257.16 |
| d. Schedule C Exemption: | <u>\$100,000.00</u> |
| | (\$ 22,742.84) |

6. 11 U.S.C. §522(f) provides that the debtor may void a lien which impairs an exemption to which he is otherwise entitled. The Lien impairs the allowed exemption of \$100,000.00 which exceeds the value of the Property.

WHEREFORE, the Debtor prays for an Order that the court determine that the Lien of McIntosh impairs an exemption to which the Debtor is entitled and that the Lien be declared to be null and void as to the Property.

SAGARIA LAW, P.C.

Dated: August 11, 2014

By: /s/ Elliot Gale, Esq.
Elliot Gale, Esq.
Attorney for Debtor